

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09CR00509 JCH
)	
HOWARD WITTNER,)	
)	
Defendant.)	

ORDER TO REDUCE TERM
OF IMPRISONMENT TO TIME SERVED

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Howard Wittner, to time served and commencement of the three-year term of supervised release previously imposed. The Court finds:

1. On July 9, 2013, Howard Wittner pled guilty to two counts of violating 18 U.S.C. §§ 1033(a)(1) and (a)(2), False Statements Related to the Insurance Business (Jeopardizing Soundness of an Insurer), and one count of violating 18 U.S.C. § 1033(e)(1)(B), Permitting a Felon to Participate in the Insurance Industry. The Court sentenced Mr. Wittner on November 14, 2013, to a total term of imprisonment of 36 months, and a three-year term of supervised release.

2. Mr. Wittner, age 77, has now served 9 months of his prison sentence (25% of the term). Mr. Wittner's Good Conduct Release Date is August 24, 2016. He is currently serving his sentence at the Federal Medical Center in Lexington, Kentucky.

3. Mr. Wittner has been diagnosed with ischemic cardiomyopathy, myocardial

infarction, angina and ventricular wall aneurysm with clot. The Director of the Bureau of Prisons estimates that Mr. Wittner's life expectancy is 18 months or less.

4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director of the Bureau of Prisons, to modify a term of imprisonment upon finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this Court agrees, that the defendant's terminal status constitutes extraordinary and compelling reasons that warrant the requested reduction.

IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby reduced to the time he has already served.

IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as the release plan has been implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving the three-year term of supervised release previously imposed.

DONE AND ORDERED THIS 2nd DAY OF OCTOBER 2014.



THE HONORABLE JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE